LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF SPECIAL OPERATIONS • SPECIAL INVESTIGATIONS DIVISION

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September 15, 1995

Captain Daniel L. Burt
Los Angeles County Sheriff's Department
Homicide Bureau
4700 Ramona Boulevard
Monterey Park, California 91754-2169

Chief Edward W. Gomez
Department of the California Highway Patrol
411 N. Central Avenue, [redacted]
Glendale, California 91203

Dear Captain Burt and Chief Gomez:

Re: S.I.D. File Number: 100-7695/93-0516
L.A.S.O. File Number: 93-17136-0680-055

The Special Investigations Division of the Los Angeles County District Attorney's Office has completed its investigation of the December 25, 1993 nonfatal shooting of Steve Louis Yandrich, age 28 years, by Deputies Corry Lee Cline, Vance Eric Duffy, John Maurice Roberts, Dustin Alan Stillwell, and Wes Miles Sutton of the Los Angeles County Sheriff's Department and State Traffic Officers [redacted] and [redacted] of the California Highway Patrol.

On December 25, 1993, at approximately 11:30 p.m., our Command Post was notified of this shooting. Deputy District Attorney Alan Yochelson and Senior Investigator [redacted] responded to the scene located on the southbound Interstate 5 Freeway north of Hungry Valley Road. They were briefed by Lieutenant William Sieber of the Los Angeles County Sheriff's Department. On June 30, 1994, we received investigative reports prepared or obtained by the assigned detectives in the Homicide Bureau of the Los Angeles County Sheriff's Department.

Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3275

Based on our investigation and review of the reports connected with this matter, we have concluded that the actions of Deputies Cline, Duffy, Roberts, Stillwell and Sutton and Officers [redacted] and [redacted] were legal and justifiable under the law.

FACTUAL SUMMARY

The factual summary is based on the aforementioned reports which included statements from civilian and law enforcement witnesses and non-compelled taped statements from the involved deputies and officers.

Robbery and Flight

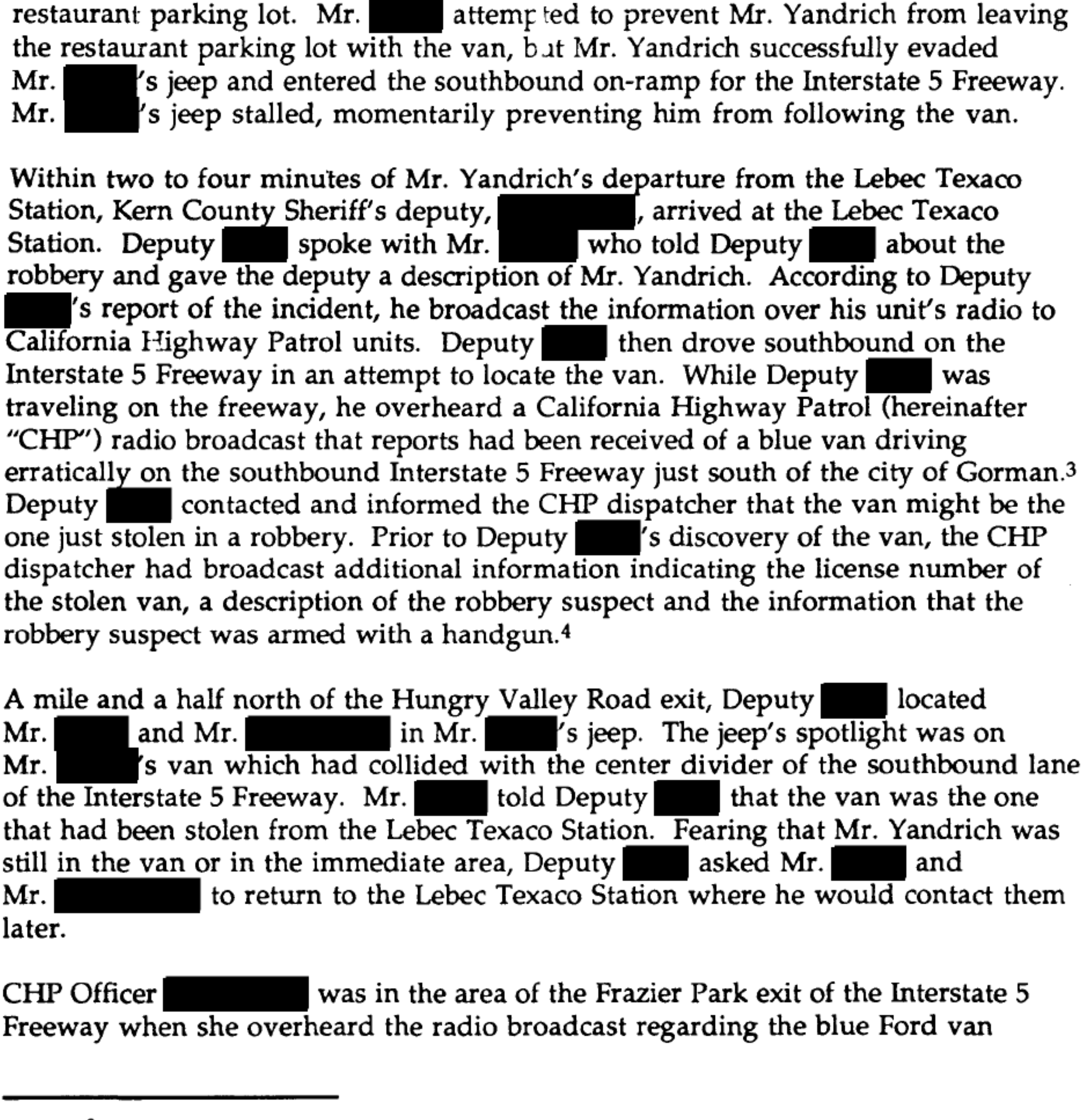
On December 25, 1993, at approximately 9:30 p.m., Mr. [redacted], who was traveling with his family, stopped to obtain gas for his blue 1988 Ford van at the Lebec Texaco Station in Kern County. As Mr. [redacted] was pumping gas into his van, he was approached by an individual, subsequently identified as Steve Louis Yandrich, who pushed him against the gas pumps, placed a gun to the left side of his neck, and demanded the keys to Mr. [redacted]'s van. Mr. [redacted] told Mr. Yandrich that the keys were in the vehicle's ignition, and Mr. [redacted]'s family was in the van. Mr. Yandrich got into the driver's seat of Mr. [redacted]'s van, pointed the gun at the individuals who were in the van, and ordered them to get out.[1] When all of the occupants of the van were out, Mr. Yandrich pointed the gun at Witness [redacted] and told him not to call the police or he would kill him.[2] Mr. Yandrich then closed the van door and drove the van from the gas station.

As the van sped away, Mr. [redacted] told [redacted], [redacted]'s step-father and an [redacted], that the driver of the van had just stolen the van at gunpoint. Mr. [redacted] told a [redacted] Lebec Texaco Station employee to call the sheriff's department. Mr. [redacted] and his step-son then got into Mr. [redacted]'s jeep and attempted to follow the van. They followed Mr. Yandrich as he traveled eastbound on Frazier Mountain Park Frontage Road, through the intersection of Frazier Mountain Park Frontage Road and Lebec Road, and into a Jack-in-the-Box

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[1] The individuals in the van included [redacted] (age 36 years), [redacted] (age 30 years), [redacted] (age 27 years), [redacted] (age 8 years), [redacted] (age 4 years), and [redacted] (age 7 months).

[2] In a subsequent interview with Sergeant Reynold Verdugo and Investigator Pamela Schrick of the Homicide Bureau of the Los Angeles County Sheriff's Department, Mr. [redacted] described the color of the gun as light metal with brown grips. Indicating that he had some knowledge of guns, Mr. [redacted] described the type of gun as a semi-automatic containing a magazine or a clip.


restaurant parking lot. Mr. [redacted] attempted to prevent Mr. Yandrich from leaving the restaurant parking lot with the van, but Mr. Yandrich successfully evaded Mr. [redacted]'s jeep and entered the southbound on-ramp for the Interstate 5 Freeway. Mr. [redacted]'s jeep stalled, momentarily preventing him from following the van.

Within two to four minutes of Mr. Yandrich's departure from the Lebec Texaco Station, Kern County Sheriff's deputy, [redacted], arrived at the Lebec Texaco Station. Deputy [redacted] spoke with Mr. [redacted] who told Deputy [redacted] about the robbery and gave the deputy a description of Mr. Yandrich. According to Deputy [redacted]'s report of the incident, he broadcast the information over his unit's radio to California Highway Patrol units. Deputy [redacted] then drove southbound on the Interstate 5 Freeway in an attempt to locate the van. While Deputy [redacted] was traveling on the freeway, he overheard a California Highway Patrol (hereinafter "CHP") radio broadcast that reports had been received of a blue van driving erratically on the southbound Interstate 5 Freeway just south of the city of Gorman.[3] Deputy [redacted] contacted and informed the CHP dispatcher that the van might be the one just stolen in a robbery. Prior to Deputy [redacted]'s discovery of the van, the CHP dispatcher had broadcast additional information indicating the license number of the stolen van, a description of the robbery suspect and the information that the robbery suspect was armed with a handgun.[4]

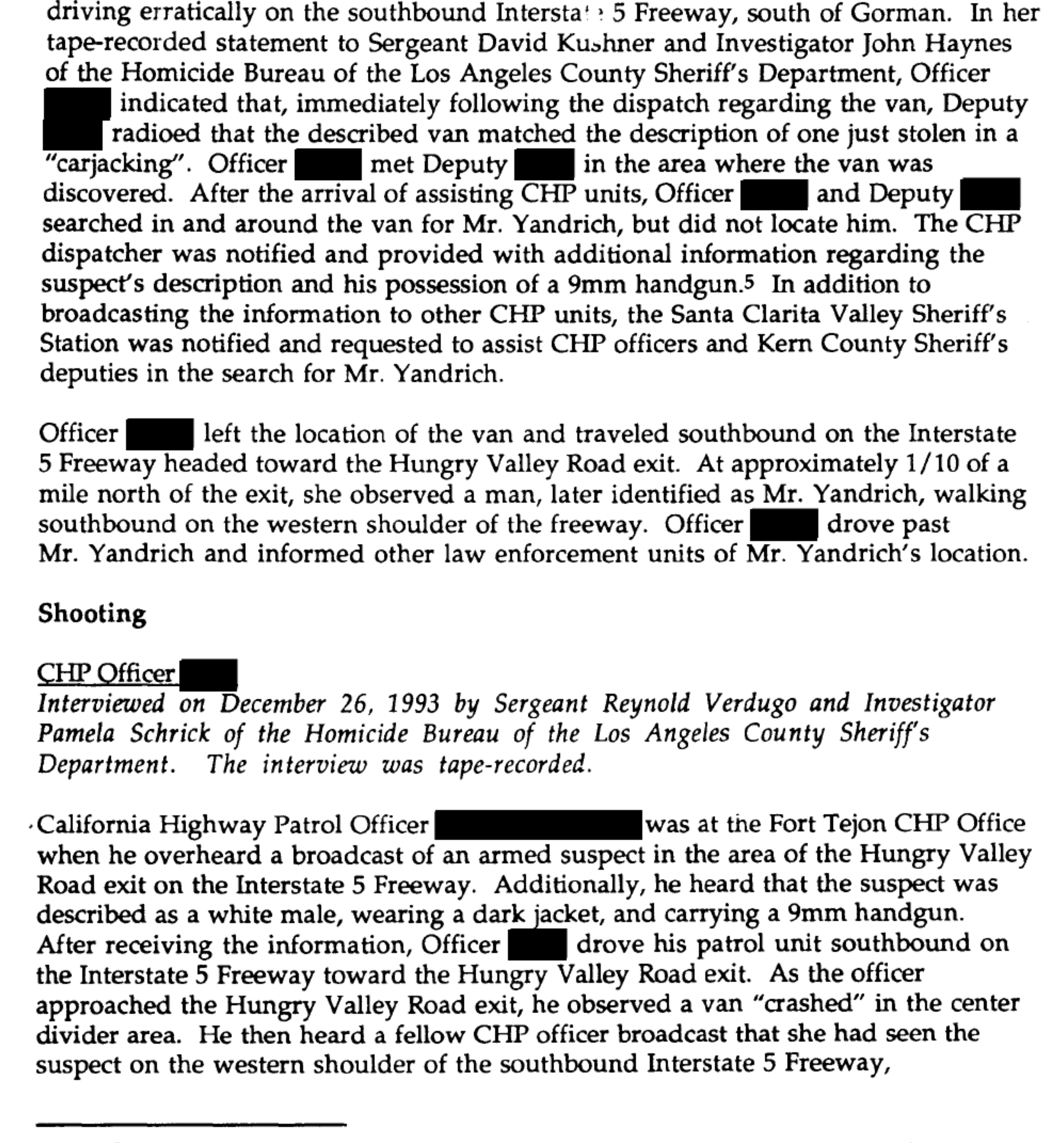
A mile and a half north of the Hungry Valley Road exit, Deputy [redacted] located Mr. [redacted] and Mr. [redacted] in Mr. [redacted]'s jeep. The jeep's spotlight was on Mr. [redacted]'s van which had collided with the center divider of the southbound lane of the Interstate 5 Freeway. Mr. [redacted] told Deputy [redacted] that the van was the one that had been stolen from the Lebec Texaco Station. Fearing that Mr. Yandrich was still in the van or in the immediate area, Deputy [redacted] asked Mr. [redacted] and Mr. [redacted] to return to the Lebec Texaco Station where he would contact them later.

CHP Officer [redacted] was in the area of the Frazier Park exit of the Interstate 5 Freeway when she overheard the radio broadcast regarding the blue Ford van

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[3] A transcription of the tape-recorded CHP radio dispatches revealed that the initial information broadcasted, in part, was " . . . large blue van unknown license weaving in and out of traffic lanes. . . ."

[4] The CHP dispatcher received the information from the Kern County Sheriff's Department dispatcher. A transcription of the tape-recorded CHP radio dispatches revealed that the information broadcasted was " . . . blue van, Cal plate [redacted], suspect armed with a handgun and is a suspect of a car jack . . . [s]uspect 29 to 30 years of age, male, white, adult, has handgun in possession at this time."



driving erratically on the southbound Interstate 5 Freeway, south of Gorman. In her tape-recorded statement to Sergeant David Kushner and Investigator John Haynes of the Homicide Bureau of the Los Angeles County Sheriff's Department, Officer [redacted] indicated that, immediately following the dispatch regarding the van, Deputy [redacted] radioed that the described van matched the description of one just stolen in a "carjacking". Officer [redacted] met Deputy [redacted] in the area where the van was discovered. After the arrival of assisting CHP units, Officer [redacted] and Deputy [redacted] searched in and around the van for Mr. Yandrich, but did not locate him. The CHP dispatcher was notified and provided with additional information regarding the suspect's description and his possession of a 9mm handgun.[5] In addition to broadcasting the information to other CHP units, the Santa Clarita Valley Sheriff's Station was notified and requested to assist CHP officers and Kern County Sheriff's deputies in the search for Mr. Yandrich.

Officer [redacted] left the location of the van and traveled southbound on the Interstate 5 Freeway headed toward the Hungry Valley Road exit. At approximately 1/10 of a mile north of the exit, she observed a man, later identified as Mr. Yandrich, walking southbound on the western shoulder of the freeway. Officer [redacted] drove past Mr. Yandrich and informed other law enforcement units of Mr. Yandrich's location.

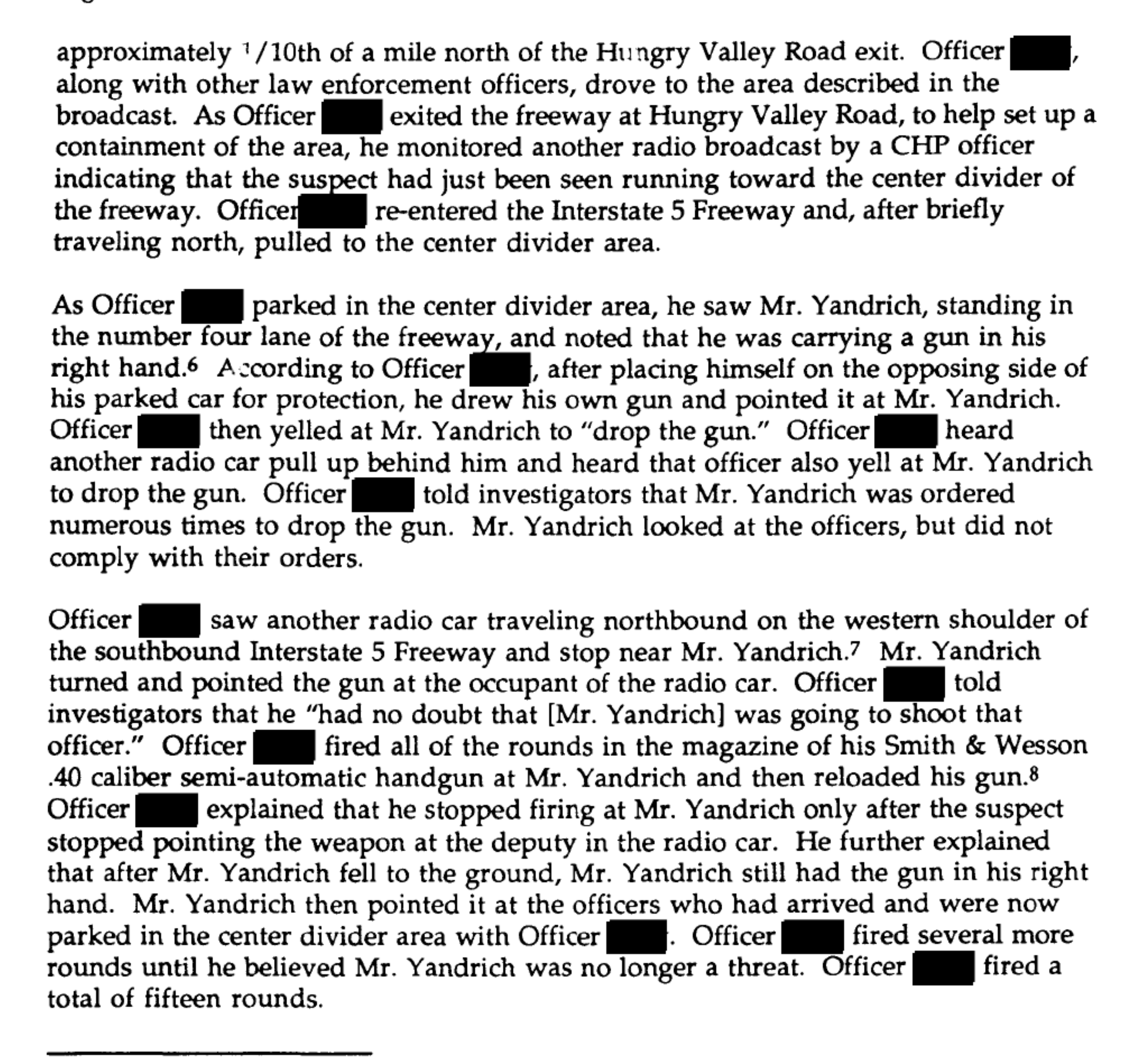
Shooting

CHP Officer [redacted]
Interviewed on December 26, 1993 by Sergeant Reynold Verdugo and Investigator Pamela Schrick of the Homicide Bureau of the Los Angeles County Sheriff's Department. The interview was tape-recorded.

California Highway Patrol Officer [redacted] was at the Fort Tejon CHP Office when he overheard a broadcast of an armed suspect in the area of the Hungry Valley Road exit on the Interstate 5 Freeway. Additionally, he heard that the suspect was described as a white male, wearing a dark jacket, and carrying a 9mm handgun. After receiving the information, Officer [redacted] drove his patrol unit southbound on the Interstate 5 Freeway toward the Hungry Valley Road exit. As the officer approached the Hungry Valley Road exit, he observed a van "crashed" in the center divider area. He then heard a fellow CHP officer broadcast that she had seen the suspect on the western shoulder of the southbound Interstate 5 Freeway,

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[5] A transcription of the tape-recorded CHP radio dispatches revealed that the information broadcasted, in part, was " . . . the party is on foot, he is armed with a 9mm . . . the suspect is described as a heavy set male with a mustache and is armed with a 9mm . . . has a black jacket, some black pants on . . . ."



approximately 1/10th of a mile north of the Hungry Valley Road exit. Officer [redacted], along with other law enforcement officers, drove to the area described in the broadcast. As Officer [redacted] exited the freeway at Hungry Valley Road, to help set up a containment of the area, he monitored another radio broadcast by a CHP officer indicating that the suspect had just been seen running toward the center divider of the freeway. Officer [redacted] re-entered the Interstate 5 Freeway and, after briefly traveling north, pulled to the center divider area.

As Officer [redacted] parked in the center divider area, he saw Mr. Yandrich, standing in the number four lane of the freeway, and noted that he was carrying a gun in his right hand.[6] According to Officer [redacted], after placing himself on the opposing side of his parked car for protection, he drew his own gun and pointed it at Mr. Yandrich. Officer [redacted] then yelled at Mr. Yandrich to "drop the gun." Officer [redacted] heard another radio car pull up behind him and heard that officer also yell at Mr. Yandrich to drop the gun. Officer [redacted] told investigators that Mr. Yandrich was ordered numerous times to drop the gun. Mr. Yandrich looked at the officers, but did not comply with their orders.

Officer [redacted] saw another radio car traveling northbound on the western shoulder of the southbound Interstate 5 Freeway and stop near Mr. Yandrich.[7] Mr. Yandrich turned and pointed the gun at the occupant of the radio car. Officer [redacted] told investigators that he "had no doubt that [Mr. Yandrich] was going to shoot that officer." Officer [redacted] fired all of the rounds in the magazine of his Smith & Wesson .40 caliber semi-automatic handgun at Mr. Yandrich and then reloaded his gun.[8] Officer [redacted] explained that he stopped firing at Mr. Yandrich only after the suspect stopped pointing the weapon at the deputy in the radio car. He further explained that after Mr. Yandrich fell to the ground, Mr. Yandrich still had the gun in his right hand. Mr. Yandrich then pointed it at the officers who had arrived and were now parked in the center divider area with Officer [redacted]. Officer [redacted] fired several more rounds until he believed Mr. Yandrich was no longer a threat. Officer [redacted] fired a total of fifteen rounds.

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6 The number four lane of the freeway is the lane furthest from the center divider and closest to the shoulder. The lanes are numbered consecutively beginning with the lane closest to the center divider.

7 The driver and sole occupant of the radio car was Los Angeles County Sheriff's Sergeant Lawrence Doyle.

8 The CHP issued Smith & Wesson semi-automatic handgun allows eleven rounds to be carried in a magazine and one round in the chamber. Thus, twelve rounds may be fired before the weapon must be reloaded to fire additional rounds.

<u>CHP Officer [redacted]</u>
Interviewed on December 27, 1993 by Sergeant Reynold Verdugo and Investigator Pamela Schrick of the Homicide Bureau of the Los Angeles County Sheriff's Department. The interview was tape-recorded.

Officer [redacted]'s statement to investigators regarding the shooting was substantially similar to that of Officer [redacted]. Officer [redacted] received information concerning the "car jacking", which included a description of the suspect, his current location, and the fact that the suspect was armed with a 9mm handgun. Officer [redacted] drove to the location where Mr. Yandrich was last seen, to assist in his capture. After parking his police vehicle in the center divider area behind another unit, Officer [redacted] got out of his unit. As Officer [redacted] left his unit, he saw Mr. Yandrich, carrying a handgun in his right hand, walking toward the right shoulder of the southbound Interstate 5 Freeway. Officer [redacted] told investigators that the area was well lit because police units arriving in the area were using their lights and spotlights to illuminate Mr. Yandrich. Officer [redacted] drew his Smith & Wesson .40 caliber semi-automatic handgun and pointed it at Mr. Yandrich. Officer [redacted] yelled, and also heard other officers yell numerous times, for Mr. Yandrich to drop the gun and raise his hands. Mr. Yandrich did not comply with these orders.

As officers continued to order Mr. Yandrich to drop the gun, Officer [redacted] saw a marked radio car driving northbound on the western shoulder and number four lane of the southbound Interstate 5 Freeway. Officer [redacted] then saw Mr. Yandrich, who had been yelling and waiving the gun around, point the gun directly at the police unit which was approaching Mr. Yandrich. Officer [redacted] told investigators that there was "no doubt in [his] mind that [Mr. Yandrich] was going to shoot at . . . anyone in that unit." Officer [redacted] fired several rounds from his gun at Mr. Yandrich. Mr. Yandrich continued to move around and point the gun at the police unit. Officer [redacted] fired additional rounds at Mr. Yandrich who, according to the officer, appeared unaffected. Officer [redacted] related that he fired until Mr. Yandrich "finally went down." The officer added that even after Mr. Yandrich fell to the ground, "he still had the gun in his hand and was lifting the gun up" pointing it in the direction of other officers. Officer [redacted] then fired the remaining rounds in his gun, and reloaded, but did not fire any additional rounds. Officer [redacted] fired a total of twelve rounds.

<u>Los Angeles County Sheriff's Deputies Duffy and Stillwell</u>
Interviewed separately on December 26, 1993 by Sergeant Reynold Verdugo and Investigator Pamela Schrick of the Homicide Bureau of the Los Angeles County Sheriff's Department. The interviews were tape-recorded.

Los Angeles County Sheriff's Deputy Vance Eric Duffy, and his partner Deputy Dustin Alan Stillwell, were working in the Castaic area when they received a radio call that the Kern County Sheriff's Department needed assistance regarding the apprehension of a "carjacking" suspect. According to Deputy Duffy, the description of the suspect that he and his partner received was of a twenty-five year old white male, approximately 5'10" to 5'11" and 160 lbs., with brown hair and a mustache, wearing dark clothing and carrying a 9mm chrome handgun. After receiving the description of the suspect, the deputies drove northbound on the Interstate 5 Freeway in the direction of the location provided in the broadcast. As they arrived at the location of the "crashed" van, Deputies Duffy and Stillwell spoke with Deputy [redacted] and learned the circumstances surrounding the robbery and the flight of the suspect. The deputies relayed the information to the other responding units and indicated that all units should begin a search of both sides of the freeway. Deputy Duffy and Stillwell then left the location of the "crashed" van and proceeded to search for the suspect.

Shortly thereafter, Deputies Duffy and Stillwell monitored a CHP broadcast that Mr. Yandrich had been spotted hiding in the bushes just north of the Hungry Valley Road exit on the west side of the southbound lanes of the freeway. The next broadcast the deputies heard was that the robbery suspect had attempted to cross the southbound lanes of the freeway toward the northbound lanes of traffic. After hearing these broadcasts, Deputies Duffy and Stillwell drove to the location where Mr. Yandrich was last seen. As they arrived at the location, Deputies Duffy and Stillwell saw other police units parked in the center divider area of the freeway. Deputy Stillwell parked his police unit behind the other units and angled it toward Mr. Yandrich, who was standing in the number four lane of the southbound Interstate 5 Freeway.

According to Deputy Duffy, Mr. Yandrich appeared to be intoxicated as he was ". . . stumbling around . . . in different directions." As Deputies Duffy and Stillwell were getting out of their police unit, they saw Mr. Yandrich holding a gun and then saw him point it at a radio car which was approaching him on the western shoulder of the southbound lanes of the freeway. Deputies Duffy and Stillwell heard gunfire coming from the direction of the other radio cars. Deputy Duffy stated that he believed Mr. Yandrich was "a threat to whoever was in that car," so he drew his gun and fired twice at Mr. Yandrich. Deputy Stillwell stated that, when he saw Mr. Yandrich point the gun at the oncoming police car, he believed Mr. Yandrich

was "going to shoot at that car . . . possibly h t the deputies inside or possibly kill them" so he drew his weapon and fired three times at Mr. Yandrich.[9]

Los Angeles County Sheriff's Deputy Roberts

Interviewed on December 26, 1993 by Sergeant Reynold Verdugo and Investigator Pamela Schrick of the Homicide Bureau of the Los Angeles County Sheriff's Department. The interview was tape-recorded.

Deputy Roberts' statement to investigators regarding the shooting was substantially similar to those of Deputies Duffy and Stillwell. Deputy Roberts received a radio call that the Kern County Sheriff's Department needed assistance regarding the apprehension of a "car jacking" suspect who had "crashed" a stolen vehicle and fled on foot. In addition, Deputy Roberts was given a description of the suspect, his current location, and the fact that the suspect was armed with a 9mm handgun. After hearing the broadcast, Deputy Roberts followed another Los Angeles Sheriff's Department patrol unit, containing Deputies Sutton and Cline, northbound on the Interstate 5 Freeway to the location where Mr. Yandrich was last seen. Deputy Roberts indicated that, as he approached the location, he saw one CHP unit parked in the center divider area of the freeway. Deputy Roberts and the unit he was following parked behind the CHP unit. Deputy Roberts saw Mr. Yandrich, who was standing on the right shoulder near the number four lane of the southbound Interstate 5 Freeway. Deputy Roberts stated that he could see that Mr. Yandrich was armed with a gun. In addition to the lights of the radio cars directed at Mr. Yandrich, he was also illuminated by a Sheriff's unit driving northbound on the western shoulder of the southbound Interstate 5 Freeway.

Deputy Roberts got out of his vehicle and stood in the center divider behind the guardrail with his gun drawn. He heard several deputies loudly ordering Mr. Yandrich to drop the gun. Deputy Roberts then saw Mr. Yandrich raise his right arm and point the gun at the "front windshield" of the police unit approaching him on the western shoulder of the southbound Interstate 5 Freeway. Deputy Roberts stated that he believed the life of the deputy driving that vehicle was in danger, so he fired his gun six or seven times at Mr. Yandrich.[10] Deputy Roberts related that he could not determine if Mr. Yandrich was struck by any of the bullets, because he continued to stand and move around, but Mr. Yandrich briefly lowered the gun to his side. Deputy Roberts ejected the magazine from his gun, although all of the rounds had not been fired, and reloaded. Deputy Roberts then saw Mr. Yandrich

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[9] Both Deputies Duffy and Stillwell fired 9mm Barettas which were issued to them by the Los Angeles County Sheriff's Department.

[10] Deputy Roberts fired a 9mm Baretta which was his own personal weapon.

raise the gun again and point it towards Dep ty Roberts and the other officers who were on the northbound side of the freeway and in the center divider. Deputy Roberts told investigators that he "felt [his] life was threatened" so he fired his gun seven or eight more times at Mr. Yandrich. Mr. Yandrich then fell backwards and slumped to the ground.

Deputy Roberts related that after Mr. Yandrich fell to the ground, Sheriff's deputies and CHP officers cautiously approached, ordering Mr. Yandrich to put his hands up. As Deputy Roberts approached, he noted that the Sheriff's unit, which had approached Mr. Yandrich on the western shoulder of the southbound Interstate 5 Freeway, was only about twenty feet away from Mr. Yandrich. Mr. Yandrich finally raised his palms up to show he was no longer armed. Mr. Yandrich was then handcuffed and Deputy Roberts and other officers attempted to give him emergency medical treatment until he was transported by helicopter to the hospital.

Los Angeles County Sheriff's Deputies Sutton and Cline
Interviewed separately on December 26, 1993 by Sergeant Reynold Verdugo and Investigator Pamela Schrick of the Homicide Bureau of the Los Angeles County Sheriff's Department.

The statements given by Deputies Sutton and Cline to investigators regarding the shooting were substantially similar to that of Deputy Roberts. The deputies, who were partners, received information concerning the "car jacking", which included a description of the suspect, his current location, and the fact that he was armed with a 9mm handgun. Deputy Sutton drove the police unit to the location where Mr. Yandrich was last seen, to assist in his capture. After parking the police vehicle in the center divider area behind the CHP units, the deputies saw Mr. Yandrich, carrying a handgun in his right hand, standing in the area of the number four lane of the southbound Interstate 5 Freeway. Deputies Sutton and Cline got out of the radio car and stood behind the guardrail. Deputy Sutton drew his weapon and pointed it at Mr. Yandrich, while Deputy Cline grabbed the shotgun from the police car and pointed it at Mr. Yandrich.[11] The deputies heard other officers numerous times order Mr. Yandrich to drop the gun. Deputy Sutton stated that he believed that one of the CHP officers was using a radio car public address system to order Mr. Yandrich to drop the gun. Mr. Yandrich did not comply with these orders.

11 Both Deputies Sutton and Cline used weapons which were issued to them by the Los Angeles County Sheriff's Department. Deputy Sutton fired a 9mm Baretta and Deputy Cline fired a 12 gauge Ithica shotgun.

Deputies Sutton and Cline related that M . Yandrich continued to move around. They saw a Sheriff's Department radio car driving northbound in the emergency lane of the southbound freeway approaching Mr. Yandrich. Deputy Sutton stated that when the unit was approximately twenty to thirty feet from Mr. Yandrich, the deputy saw Mr. Yandrich ". . . raise the gun to eye level . . . pointing it . . . towards the car." Deputy Sutton stated that he believed the " . . . officer driving that vehicle was in a life threatening situation . . . ." Deputy Sutton fired six or seven rounds at Mr. Yandrich. He related that there was a brief lull in the shooting as Mr. Yandrich staggered and lowered the gun. Mr. Yandrich then regained his balance and pointed the gun toward Deputy Sutton and the other officers in the center divider area. Deputy Sutton told investigators that, fearing he was about to be shot, he fired two or three more rounds. Deputy Cline's description of Mr. Yandrich's conduct was similar to that of Deputy Sutton. In response to his observations, Deputy Cline fired one round from his shotgun when Mr. Yandrich's gun was pointed at the Sheriff's unit, and a second round when Mr. Yandrich pointed the gun in the direction of Deputy Cline and the other officers in the center divider area.

After Mr. Yandrich fell to the ground and the officers felt safe to approach him, Deputy Cline stated that initially he did not see Mr. Yandrich's gun. When the officers rolled Mr. Yandrich onto his stomach in order to handcuff him, Deputy Cline saw the gun and retrieved it. He stated that the hammer of the gun was in the rearward position, as though the gun were ready to fire, but there was no magazine in the weapon and no round chambered.

Mr. Yandrich was transported by a Los Angeles County helicopter to the Henry Mayo Hospital where he was treated by Dr. Kurt Ransom for multiple gunshot wounds.

The statements of the other law enforcement officers present during the shooting incident were substantially similar to those of the officers heretofore related, subject to their varying locations and perspectives.

Steven Lawrence Yandrich was subsequently charged in case number PA015169 with Grand Theft Firearm (Section 487(3) of the Penal Code (hereinafter PC)), Carjacking (Section 215(a) PC), Robbery (Section 211 PC), Dissuading a Witness (Section 136.1(c)(1) PC), two counts of Assault with a Deadly Weapon (Section 245(a)(2) PC) and two counts of Brandishing a Firearm (Section 417 PC). He pled nolo contendere to carjacking, dissuading a witness, and brandishing a firearm on May 31, 1994, and was sentenced to sixteen years in state prison. He had [redacted]

LEGAL SUMMARY

California law permits the use of deadly force in one's self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions--Criminal (CALJIC) 5.30, 5.32.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal. App. 2d 577.

LEGAL ANALYSIS AND CONCLUSION

From the outset, the involved CHP officers and Sheriff's deputies were responding to a dangerous situation. They were searching for an armed suspect who had robbed a family at gunpoint, threatened to kill another man if he notified the police, and drove recklessly on the freeway trying to avoid capture. They were searching for an armed suspect who was now hiding near the freeway, potentially endangering other civilians. Although Mr. Yandrich's firearm ultimately was determined to be empty at the time of the shooting, the law enforcement officers reasonably believed it was loaded and that Mr. Yandrich would fire the weapon. Witness [redacted] earlier had described the gun as having a magazine or clip, and Mr. Yandrich had used the gun in the "carjacking" as though it were loaded. When the officers and deputies located Mr. Yandrich, they surrounded him leaving him a seemingly desperate man with no avenue of escape. As Sergeant Doyle approached, Mr. Yandrich pointed the gun directly at the front windshield of the police unit. It was reasonable for the officers and deputies to believe that Mr. Yandrich would fire the gun at Sergeant Doyle. The CHP officers and Sheriff's deputies fired at Mr. Yandrich in order to protect Sergeant Doyle from what they actually and reasonably believed was "imminent danger of great bodily injury or death." When Mr. Yandrich turned and directed the gun at the officers and deputies in the center divider area of the freeway, they believed their own lives were in danger and fired in self-defense and in defense of each other.

Based on the foregoing circumstances, the actions of Deputies Cline, Duffy, Roberts, Stillwell, and Sutton of the Los Angeles County Sheriff's Department and Officers [redacted] and [redacted] of the California Highway Patrol were justified, based on the legal theory of self-defense and defense of another. Accordingly, we find no criminal violation to have occurred in this matter and are closing our case.

Very truly yours,

GIL GARCETTI
District Attorney

R. DAN MURPHY
Assistant District Attorney

By *Sandra G. Harris*

SANDRA G. HARRIS
Deputy District Attorney
(213) 974-7437

c: Sergeant Reynold Verdugo #[redacted]
Investigator Pamela Schrick #[redacted]
Deputy Corry Lee Cline #[redacted]
Deputy Vance Eric Duffy #[redacted]
Deputy John Maurice Roberts #[redacted]
Deputy Dustin Alan Stillwell #[redacted]
Deputy Wes Miles Sutton #[redacted]
State Traffic Officer [redacted]
State Traffic Officer [redacted]

